

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 19, 2004

Division: Growth Management

Bulk Item: Yes No X

Department: Planning & Env. Resources

AGENDA ITEM WORDING: A public hearing for an Administrative Relief determination for Donald Lang on his property known as Lot 10, Block 6, Bahia Mar Estates, Key Largo.

ITEM BACKGROUND: Staff finds that the subject lot is zoned Improved Subdivision (IS). The applicant entered into the ROGO system on July 12, 2000. Pursuant to Section 9.5-122.2(f), remedies available to an applicant include issuance of an allocation award or just compensation by the purchase of the property or such other relief as may be necessary or appropriate. Staff recommends relief in the form of purchase, at fair market value, by Monroe County.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes X No

COST TO COUNTY: Unknown **SOURCE OF FUNDING:** Land Authority

REVENUE PRODUCING: Yes ___ No X AMOUNT PER MONTH ___ Year ___

APPROVED BY: County Atty. X OMB/Purchasing ~~Risk Management~~

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow _____ Not Required _____

DISPOSITION: _____

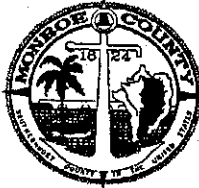
AGENDA ITEM # 02

Staff Report

County of Monroe

Growth Management Division

2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Phone: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Murray Nelson, District 5
Mayor Pro Tem David Rice, District 4
Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: March 18, 2004

Subject: **Donald Lang, Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) Land Use District and is located at Bahia Mar Estates, Block 6, Lot 10, Key Largo, Real Estate Numbers 00544410.000000. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on July 12, 2000, after purchasing a property in December 1999 with an appraised value of \$8,253.

Permitting History:

A building permit and ROGO allocation were applied for on July 12, 2000 (Year 8, Quarter 4). The application scored 15 points: ten (10) points from planning; seven (7) points from building; and negative two (-2) for biology because the subject property was determined to be low quality hammock (Habitat Group 2) by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores 18 points. At the end of the fourth quarter, Tuesday July 13th, 2004, the applicant will receive an additional perseverance point for a total of 19 points. Since 2000 (Year 8, 4th Quarter of ROGO), five (5) ROGO allocation awards have been issued to lots in the Bahia Mar Estates subdivision. These include Permit Numbers: 00-3-4419, 00-3-4420, 00-3-5270, 00-3-3042, and 02-3-1534.

The applicant applied for administrative relief on February 6, 2004 (Year 12, Quarter 3) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Land Development Regulations.

County of Monroe

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type - The subject property was determined to be low quality hammock by the Upper Keys Biologist. The property was given a point assignment of negative two (-2) for being in Habitat Group 2 which is defined in Section 9.5-122.3(7) and includes the following: High hammock (low quality); Low hammock (low quality); Scarified land with saltmarsh and buttonwood; and scarified land with beach/berm (design/standards). This is the second least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties - The property (RE 00544420.000000) north and adjacent to the subject property is developed with a single-family residence. The property (RE 00544400.000000 and RE 00544390.000000) south and adjacent to the subject property is also owned by Donald Lang and is being developed with a single-family residence.

ROGO – The ROGO point system is designed to direct growth to protect natural resources and encourage infill to improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan, which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points for any lots in environmentally sensitive lands. The lot was given a negative two (-2) for being in Habitat Group 2 which is defined in Section 9.5-122.3(7) of the Land Development Regulations.

The subject property, located in Bahia Mar Estates subdivision, meets the criteria for a Transition and Sprawl Reduction Area as defined in Goal 105. Although a single-family residential dwelling and accessory uses are allowable, new development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources.

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth annual allocation period.

County of Monroe

Relief Options under Administrative Relief:

The remedies available to an applicant for Administrative relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

Although the subject property does not contain any significant habitat for endangered or threatened animal species, it does contain sensitive environmental features. Therefore the subject property does meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has indicated that he does not wish to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and determined it is not appropriate to offer an allocation award to this applicant. The property contains fragments of environmentally sensitive lands, received two negative points (-2) in ROGO and is located within a subdivision with other lots containing fragmented hammock. The applicant is currently constructing a house on the adjacent lot and could continue to hold this lot and keep it for accessory uses to the new house.

The appropriate County action for this property is to offer to purchase the property from the lot owner. If the owner chooses not to sell to the County, the application may remain in the ROGO system and accrue two points (+2) for each year over four years that he continues in ROGO. The granting of an allocation award is not the preferred relief option and is not consistent with the policies for administrative relief under the Year 2010 Comprehensive Plan.

Recommendation:

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an offer to purchase the lot for fair market value by Monroe County.

Cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority
Richard Collins, Esq.

Resolution

RESOLUTION NO. - 2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS **APPROVING** THE REQUEST
FOR ADMINISTRATIVE RELIEF MADE BY DONALD LANG
ON THE LOT DESCRIBED AS BLOCK 6, LOT 10, BAHIA MAR
ESTATES, KEY LARGO, REAL ESTATE NUMBER
00544410.000000IN.

WHEREAS, Donald Lang has submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in February of 2000; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, Donald Lang has applied for administrative relief under Monroe County Code Section 9.5 122.2 (f); and

WHEREAS, the Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5 122.2. (f) (6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property has received tow negative points for the quality of the upland negative vegetation, making Bahia Mar Subdivision lot a priority for acquisition by Monroe County; and

WHEREAS, Staff finds that the subject property does meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the request filed by Donald Lang for administrative relief in the form of just compensation shall be granted to the owner through an offer by Monroe County to purchase of the property is **APPROVED**:

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
Florida at a regular meeting held on the _____ day of _____ 2004.

Mayor Murray Nelson _____

Mayor Pro Tem David P. Rice _____

Commissioner Dixie Spehar _____

Commissioner George Neugent _____

Commissioner Charles "Sonny" McCoy _____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY _____

Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

Rogo Application

Environmental Evaluation



APPLICATION FOR
ADMINISTRATIVE RELIEF

Applicant is:

☒ Owner

☐ Authorized Representative

Applicant's name:

DONALD LANG

Phone: (705) 852-0110

Applicant's mailing address:

167 KEY HEIGHTS DR

TAVERNOR, FL 33070

Owner's name (if applicant is not owner):

- SAME AS ABOVE -

Owner's address:

Phone:

(Please attach a statement authorizing representation of this application by someone other than yourself. The state should read:

"I, (owners's name) authorize (individual you are authorizing to represent you) to represent my property for this application for Administrative Relief."

RE#:

00544410

Legal description (attach metes and bounds description if necessary):

LOT 10 BLOCK 6 BAHIA MAR ESTATES

Permit #:

00-3-3041

Date of most recent ROGO application:

JULY 12, 2000

What kind of administrative relief are you seeking?:

BUILDING PERMIT FOR SFR

Additional comments:

NOTARY:

STATE OF FLORIDA

COUNTY OF

Dall
Applicant's Signature

The foregoing signature was acknowledged before me this

6th

day of

February

2004

by

Donald LANG

who is personally known to me or who has produced

as identification.

My commission expires:

MS PL

Signature of Notary Public, State of Florida



MARY P. WINGATE
Notary Public - State of Florida
My Commission Expires Jun 26, 2005
Commission # DD037510

FOR DEPARTMENT USE ONLY

Date of filing with Planning

Director

AR8/96LF

NEW APPLICATION FORM:

MONROE COUNTY PLANNING DEPARTMENT
APPLICATION FOR RESIDENTIAL PERMIT ALLOCATION

Marathon: (305) 289-2500 Plantation Key: (305) 852-7100

Application Fee: \$100.00

PLEASE PRINT AND ATTACH A COPY OF A PROPERTY RECORD CARD. IF YOU HAVE QUESTION OR WISH TO MAKE AN APPOINTMENT TO DELIVER YOUR APPLICATION, PLEASE CALL THE GROWTH MANAGEMENT OFFICE CLOSEST TO YOUR PROJECT. ONCE THIS APPLICATION IS ACCEPTED AND DEEMED COMPLETE, REVISIONS WILL ONLY BE ACCEPTED IF A NEW APPLICATION IS SUBMITTED.

Owner(s) Name: DONALD LANG Ph. (W) 852 7102 (H) 852 0110

Street Address: 167 KEY HEIGHTS DR City: TAVERNIER State: FL Zip: 33070

Agent's Name: SAME AS ABOVE Ph. (W) _____ (H) _____

Street Address: _____ City: _____ State: _____ Zip: _____

PROPERTY DESCRIPTION: Lot 10 Block 6 Subdivision FAITH MARLBOROUGH

Key: LARGO Street: LA PALOMA MM: 102 RE: 00544410

If metes and bound, attach legal description on separate sheet.

NUMBER OF UNITS: Mobile Home: _____ House: 1 RV: _____ Live-aboard: _____ Others: _____

Check Yes or No. If yes, then attach the requested documents:

☐ Yes ☒ No The project is combining contiguous lots in a legally platted subdivision with water, electricity, and paved roads or is otherwise below density. Please attach a copy of a proposed restrictive covenant limiting the number of units on the property and running in favor of and enforceable by the County.

☐ Yes ☒ No The unit(s) will be affordable housing. Attachment required is a current affordable housing approval from the Planning Department.

☐ Yes ☒ No The proposal includes dedication of vacant, buildable land located in areas proposed for acquisition. Attachments required with this application are: 1) letter from the Biologist stating the property is dedicateable, 2) proof of ownership, 3) proposed WARRANTY DEED(S) (Quit Claim Deeds will not be accepted). Please list the RE: (s) of the land to be dedicated N/A

I certify 1) I have read and examined this application including attachments and know same to be true and correct. 2) provisions of laws and ordinances governing this type of work are complied with whether specified herein or not, including the provision of Local, State, or Federal requirement regulating construction or the performance of construction and Time periods for County action set forth in Section 9.5-113 of the County Code are hereby waived.

Signature of Notary

Signature of Applicant Date

Sworn to and subscribed to before me this 12 day of July, 2000, he/she is personally known to me produced _____ NOTARY PUBLIC STATE OF FLORIDA who did (did not) take an oath.

TO BE COMPLETED BY STAFF: DATE: July 12, 2000 TIME: 1:52 PM PERMIT # 06-3-3041

MONROE COUNTY PROPERTY RECORD CARD
ALTERNATE KEY: 1667935

ID: 078

Run: 4/29/2004 10:21PM **Page:** 1

LANG DONALD

PARCEL 00544410-000000 22-61-39 NBHD 1933

 167 KEY HEIGHTS DRIVE
 TAVERNIER FL 33070

ALT KEY 1667935 MILL GRP 500K PC 00

PHYSICAL ADDR:

Business Name:

UNIT:

LEGAL DESCRIPTION

 BK 6 LT 10 BAHIA MAR EST PB4-79 KEY LARGO OR476-290 OR822-1716D/C OR1181-2311/45 PROBATE#91-20-80-CP-10(CSP)
 OR1275-1775/77PR(JB) OR1284-78/80(JB) OR1615-461(JMH)

LAND DATA 1.15

LINE	USE	FRONT	DEPTH	NOTES	#	UNIT	TYPE	RATE	DEPTH	LOC	SHP	PHYS	CLASS	JUST	VALUE
1	M10D	60	105		6300.00	SF			1.00	1.00	1.00	1.00			

MISCELLANEOUS IMPROVEMENTS

NBR	TYPE	X	NUMBER	UNITS	TYPE	LENGTH	WIDTH	YEAR	YR	CONST	GRADE	LIFE	RCN	VALUE	DEPR	VALUE	DATE	ADDED
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BUILDING PERMITS

LINE	BLDG	NUMBER	ISSUE	COMPLETE	AMOUNT	DESCRIPTION
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HISTORY OF TAXABLE VALUES

TAX YEAR	VM	JUST	LAND	CLASS	LND	BLDG	MISC/EQIP	JUSTVALUE	ASSDVALUE	EXEMPT	TAX	VALUE
11/01/1982	1		4452		0	0	0	4452	0	0		4452
11/01/1983	1		4452		0	0	0	4452	0	0		4452
11/01/1984	1		7560		0	0	0	7560	0	0		7560
11/01/1985	1		7560		0	0	0	7560	0	0		7560
11/01/1986	1		7875		0	0	0	7875	0	0		7875
11/01/1987	1		7875		0	0	0	7875	0	0		7875
11/01/1988	1		9450		0	0	0	9450	0	0		9450
11/01/1989	1		9450		0	0	0	9450	0	0		9450
11/01/1990	1		9450		0	0	0	9450	0	0		9450
11/01/1991	1		9450		0	0	0	9450	0	0		9450
11/01/1992	1		8190		0	0	0	8190	0	0		8190
11/01/1993	1		8190		0	0	0	8190	0	0		8190
11/01/1994	1		9450		0	0	0	9450	0	0		9450
11/01/1995	1		8253		0	0	0	8253	0	0		8253
11/01/1996	1		8253		0	0	0	8253	0	0		8253
11/01/1997	1		8253		0	0	0	8253	0	0		8253
11/01/1998	1		8253		0	0	0	8253	0	0		8253
11/01/1999	1		8253		0	0	0	8253	0	0		8253
11/01/2000	1		8253		0	0	0	8253	0	0		8253
11/01/2001	1		8253		0	0	0	8253	0	0		8253
11/01/2002	1		8253		0	0	0	8253	0	0		8253
11/01/2003	1		8253		0	0	0	8253	0	0		8253

SALES HISTORY

O.R.	O.R.	SALE	INSTRUMENT	TRAN	QUAL	VAC	SALE	APPR	CHG
BOOK	PAGE	DATE		CODE	UNQUAL	IMPR	PRICE	VALUE	DATE
1615	461	12/28/1999	WD	WARRANTY	D0	M multiple	V	1	8,253 2/16/2000

Applicant: Donnie King File: 00-3 5041 Date: 7/3/00

Planning Department Points RE# 00544412.600002

Scored By:

- | | | |
|---------------------------------------------------------------------------------------|-------------------|------------|
| 1. (1) Platted with Infrastructure | 10 Points | <u>+10</u> |
| 2. (2) Acreage with Infrastructure | 5 Points | <u>-</u> |
| 3. (3) Lot Aggregation: <u>contiguous vacant, platted, buildable lot(s) x 3</u> | 3 Pts. Ea. | <u>-</u> |
| 4. (4) Acreage Density Reduction | 2, 4, or 6 Points | <u>-</u> |
| 5. (5) Land Dedication: <u>buildable lots/ acres x 2</u> | 2 Pts. Ea. | <u>-</u> |
| 6. (6) Affordable Housing | 5 Points | <u>-</u> |
| 7. (10) Perseverance Points: # of full years in system | | |
| a) 1 point / year for first 4 years | 1 Point | <u>-</u> |
| b) 2 points / year each year after 4 full years | 2 Points | <u>-</u> |
| 8. (13) Offshore Island Land Use District | -10 Points | <u>-</u> |
| 9. (15) Historic Resources: | | |
| a) Adversely affects, removes, or destroys | -10 Points | <u>-</u> |
| b) Preservation | 10 Points | <u>-</u> |

Planning Department Subtotal:

+10

Environmental Resources Department Points

Scored By:

- | | | |
|------------------------------------------------------------------------------------|-----------------------------------------|-----------|
| 1. (7) Habitat Protection: | | |
| a) Group 4 | -10 Points | <u>-</u> |
| b) Group 3 | -5 Points | <u>-</u> |
| c) Group 2 | -2 Points | <u>-2</u> |
| d) Group 1 | 1 Point | <u>-</u> |
| e) Multiple Groups | Points | <u>-</u> |
| 2. (8) Threatened or Endangered Animal Species and Special Concern Animal Species: | | |
| a) Known Habitat | # of Species <u> </u> x -10 Points | <u>-</u> |
| b) Within 100 Ft. of turtle nesting area | -10 Points | <u>-</u> |
| c) Within 500 Ft. of piping plover nesting area | -10 Points | <u>-</u> |
| d) Probable / Potential Habitat | # of Species <u> </u> x -5 Points | <u>-</u> |
| e) Wide Ranging Species Habitat | # of Species <u> </u> x -2 Points | <u>-</u> |
| 3. (9) Critical Habitat Areas: | | |
| a) Big Pine, No Name Key, Ohio Key or North Key Largo | -10 Points | <u>-</u> |
| b) National Key Deer Refuge Priority I & II | -10 Points | <u>-</u> |
| c) Coupon Bight or C.A.R.L. acquisition areas | -10 Points | <u>-</u> |
| d) Bald Eagle secondary zone | -10 Points | <u>-</u> |
| 4. (13) Negative Impact Conservation Land Protection Area | -2 Points | <u>-</u> |
| 5. (14) Transferable Development Rights (TDR's) | # of full TDR's <u> </u> x 1 Point | <u>-</u> |

Environmental Resources Department Subtotal:

-2

Building Department Points

Scored By:

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|
| 1. (11) Coastal high Hazard Area: | | |
| a) A Zone | -1 Point | <u>-</u> |
| b) V Zone | -6 Points | <u>-</u> |
| c) X Zone | 1 Point | <u>1</u> |
| 2. (12) Coastal Barrier Resources System | -10 Points | <u>-</u> |
| 3. (16) Water Conservation: (FKAA service area only) | | |
| a) Ultra low volume plumbing fixtures | 1 Point | <u>1</u> |
| b) Primary of 12,500 gal. Cistern or min. 200 gal/day saltwater conversion reverse osmosis facility OR Secondary of 2,500 gal. Cistern or min. 50 gal/day saltwater conversion reverse osmosis facility | 1 Point | <u>1</u> |
| 4. (17) Energy Conservation: (FKEC and CES service area only) | | |
| a) HVAC with rating of 12 or better | 1 Point | <u>1</u> |
| b) Solar hot water system with min. FEF of 5 AND/OR min. 14 kWh/day photovoltaic system on grid AND/OR domestic hot water heat recovery unit | 1 Point | <u>1</u> |
| c) 14 kWh/day photovoltaic system in conjunction with elimination of grid | 1 Point | <u>-</u> |
| 5. (18) Structural Integrity: | | |
| a) Exceeds min. floodplain elevation by min. of thirteen inches | 1 Point | <u>-</u> |
| b) Min peak wind load of 160 mph | 4 Point | <u>1</u> |
| c) Min peak wind load of 175 mph | 1 Point | <u>1</u> |

Building Department Subtotal:

+7

Final Review By: Joe Walker

Total Score:

+15